

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
DAVENPORT DIVISION

DAVENPORT CHESTER, LLC, Plaintiff, v. ABRAMS PROPERTIES, INC., and SCIENERGY, INC., Defendants.	Case No. 3:15-cv-00070-SMR-SBJ <u>FINAL ENTRY DISPOSING OF REMAINING CLAIMS IN CASE</u>
--	---

This matter is before the Court upon the joint motion of Plaintiff Davenport Chester, LLC ("Plaintiff") and Defendants Abrams Properties, Inc. and SCIEnergy, Inc. (collectively "Defendants") to issue a final entry disposing of the remaining claims in this case and making this matter final and appealable [ECF No. 48].


Defendants previously filed a Motion for Summary Judgment [ECF No. 14] and sought dismissal of Plaintiff's Complaint, which Plaintiff opposed. On December 23, 2015, this Court granted in part and denied in part Defendants' Motion for Summary Judgment. [ECF No. 37](the "Summary Judgment Order"). As a result of the Summary Judgment Order, only Plaintiff's breach of contract and declaratory relief claims remained pending to the extent they involved Plaintiff's claim surrounding the alleged unpaid November 2012 rent. Plaintiff and Defendants, through counsel, have advised the Court that they have stipulated and agreed to resolve their dispute as to remaining claims in this case pertaining to the November 2012 rent in accordance with the terms of a Settlement Agreement entered into between the parties. The parties have further preserved this Court's continuing jurisdiction over this matter in accordance

with the pronouncement of *Kokkonen v. Guardian Life Ins. Co. of America*, 511 U.S. 375, 381-382 (1994). The Court being duly advised, and for good cause shown, finds the parties' joint motion well taken.

IT IS THEREFORE ORDERED that all claims and matters raised in this case are hereby disposed. There being no other claims or matters pending, this is a final and appealable order.

This Court shall maintain continuing jurisdiction over this action to effectuate the terms of the Settlement Agreement entered into between the parties.

IT IS SO ORDERED, this 24th day of June, 2016.


STEPHANIE M. ROSE
UNITED STATES DISTRICT JUDGE

STIPULATED AND AGREED TO:

/s/ Michael T. Cappel

Daniel E. Izenon (Admitted PHV)
Michael T. Cappel (Admitted PHV)
Keating Muething & Klekamp PLL
One E. 4th Street, Suite 1400
Cincinnati, Ohio 45202
Tel: (513) 579-6400
Fax: (513) 579-6457
dizenon@kmlaw.com
mcappel@kmlaw.com

Robert V.P. Waterman, Jr. (AT0008339)
Douglas R. Lindstrom, Jr. (AT0008903)
Lane & Waterman LLP
220 N. Main Street, Suite 600
Davenport, IA 52801
Tel: (563) 333-6618
Fax: (563) 324-1616
bwaterman@l-wlaw.com
dlindstrom@l-wlaw.com

Attorneys for Plaintiff

/s/ Jason C. Palmer (Via Email Authorization 6/20/16)

Jason C. Palmer (AT0006089)
Seth R. Delutri (AT0010220)
Bradshaw, Fowler, Proctor & Fairgrave, P.C.
801 Grant Avenue, Suite 3700
Des Moines, IA 50309-8004
Tel: (515) 243-4191
Fax: (515) 246-5808
palmer.jason@bradshawlaw.com
delutri.seth@bradshawlaw.com

Attorneys for Defendants